

March 18, 1974

SENATOR PROUD: Now, Mr. President and members. LB 1028 is this Anti-Trust bill. I spoke very briefly to Senator Carpenter last Wednesday about my motion and he graciously agreed to let me take it up today. I presume without knowing that we have a possible difference of opinion here. But 1028 is a highly important bill, and you may recall and I think if my memory serves me correctly, that extensive amendments were put on this bill on Select File. I seriously doubt that the membership, that the majority of the membership understood precisely doing when these amendments were adopted. Nevertheless here is precisely what had happened. The representative for the railroad, Mr. Miller, came to me last week and he said, well we can live with this bill, but we can't live with this one provision. Which is, section...well on in the Journal it is found on page 1057. And this particular provision requires that an industry or corporation or whatever cannot make an agreement concerning rates with a competitor. The Federal Laws, railroad are highly regulated, by both the ICC and the Public Service Commission, and the Federal Law, which I have here. Specifically provides that railroads can make agreements with other carriers as to rates. This is necessary for interlining and tariffs and a lot of other things, but those agreements are specifically subject to the approval of the ICC and in certain instances the Public Service Commission. So this particular provision is absolutely contrary to the federal law. And the railroads just can't live with it. And I don't think we want to cripple them so the amendment that I am proposing...the reason that I am asking you to move this back to Select File for specific amendment simply says that in subsection 6 here, It shall be unlawful for any person other than a common carrier, whose rates are subject to relation...to regulating control by a public agency. In other words, it excepts this rate making with a competitor as far as a common carriers are concerned. It excepts that out of the bill. Now otherwise the railroads would be subject to the bill, but it would not be subject to these particular regulations found for Section 6. They are numbered there. And that's all this amendment does. It just simply takes common carriers out of this particular provision, and I should state for purposes of intent that in this amendment by excluding common carriers, there is no intent to include by inference or otherwise other industries or businesses who are regulated or partially regulated by the government. But the point of the whole thing is that the railroads are almost completely regulated by the government, the particular provision that I want to amend would put them in conflict with the Federal law. It is just not necessary. And what would happen to them in their operation. I ask that it be returned to Select File

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for this specific amendment.

PRESIDENT: Senator Carpenter.